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## THE FRENCH COUNCIL OF COMMERCE IN RELATION TO AMERICAN TRADE<sup>1</sup>

Before attempting to trace the measures of the council of commerce<sup>2</sup> of France in relation to the trade of the French-American colonies, it seems desirable briefly to review the history of the organization of that body. The idea of a council or bureau which should furnish the king with expert advice on matters of trade and commerce was by no means new in 1700. The first body to which the name council may legitimately be attached was created in 1664 by Colbert, who then had the general direction of maritime commerce. Though it seems to have played no rôle, it was not formally abolished during his régime and formed the model for the later permanent body. In 1684 under the direction of Seignelay, to whom Colbert's power over exterior commerce fell after the death of the latter, maritime villages sent two memoirs annually to the council by two deputies of each port. Within a few years Pontchartrain began to come to the fore in his double rôle of controller-general and minister of the marine; but when he became chancellor, just before the close of the century, he divided the duties of marine and finance between his son and Chamillart. To the latter was

<sup>1</sup> This paper is a study of the council of commerce of France in relation to the problems of American trade from the time of its organization in 1700 until 1734. It was originally intended to carry the study to 1763, the year which marked the practical loss to France of her colonial empire, but the recent war interrupted such plans. Since the writer was unable to examine the manuscripts personally and found by a careful search through the catalog of the proceedings of the council of commerce and of the bureau of commerce, published by Pierre Bonnassieux, that the records became increasingly scanty after 1734 and would yield very little to alter the conclusions based on the earlier records alone, it has seemed justifiable to limit the study to the years already covered. Final judgments are restricted to the subjects for which these records are conclusive.

<sup>2</sup> The name, council of commerce, is a somewhat arbitrary title, for the body created in 1722 was called bureau of commerce; but inasmuch as the English pamphleteers of the time regularly alluded to the French organization as a council, even after 1722 when it became known as the bureau of commerce, the name, it is believed, will not prove misleading.

assigned the direction of manufactures and commerce, within which were included the colonies and maritime companies. To avoid the disputes which might naturally follow and for the avowed purpose of stimulating that industry and commerce which would promote the welfare of the state, inasmuch as the initiative of individual citizens often conflicted with the larger interests of the nation, a council of commerce was created by order of the council of state on June 29, 1700,<sup>3</sup> similar to that which had functioned thirty years before.

The assembly gathered for its first session on November 29 following at the home of the president, Daguesseau.<sup>4</sup> That gentleman occupied the place of honor at the table; at his right and left were seated Amelot, Chamillart, and Pontchartrain, minister of the marine, with two *maîtres des requêtes* lower down to whom was confided the care of the reports. Twelve deputies from the chief commercial cities of the kingdom were arranged on stools behind the ministers, while two farmers-general of the taxes, when the nature of the discussion required their presence, occupied chairs behind the president. At the foot sat the secretary, whose duties were clerical.<sup>5</sup>

The decree indicated exactly the function of the new council:

<sup>3</sup> This view was voiced by a deputy from Rouen. For the text of the order see *Correspondence des contrôleurs généraux*, 2: 476. It is possible that this council was patterned after the English board of trade of 1696, as was suggested by the author of *Wisdom and policy of the French* (1755), who felt, however, that the French steadily adhered to the rules of their council whereas the English did not.

<sup>4</sup> Among the commissioners the one who discharged the most important duties was the president. This office belonged to the oldest councillor at the council. Not only did he direct the debate, but during the first third of the century he had administrative functions which ranked him beside the controller of finance and secretary of the marine as a director of the details of commerce. He served, moreover, as intermediary between the council and the ministers. Amelot succeeded Daguesseau; Fagon served from 1726 to 1744, after which the presidency and affairs of commerce were divided never again to be reunited.

<sup>5</sup> The deputies met at his home where he was present without vote. Eugène Lelong, *Conseil de commerce et bureau du commerce: inventaire analytique des procès-verbaux* (Paris, 1900), introduction, xxiv. A catalog of the proceedings of the council of commerce and of the bureau of commerce was prepared by Pierre Bonnassieux under the direction of the ministry of public instruction and fine arts. As Bonnassieux died before he had completed the analytical table and an introduction recounting the history of the councils of commerce in France, the task was carried to completion by a colleague, Eugène Lelong, and the entire work published under the title given above.

it should study all propositions and petitions referred to it in matters concerning commerce and manufactures, in order that the king might base his decisions upon its reports. The government saw the danger of conflict between general and local interests, and so felt it best to reserve the right of control and decision to itself. The council, therefore, had no initiative or power of decision, but as a matter of fact its advice was usually followed. In minor matters the controller wrote his decision to the intendant or asked the latter to render an ordinance himself; but generally regulations took the form of a decree issued by the council of state. The council of commerce was in a way a commission attached to the council of state, where the royal almanac classified it in 1715;<sup>6</sup> by this date it had suffered considerable change in constitution and personnel<sup>7</sup> so that it consisted of seven councillors and six intendants of commerce.<sup>8</sup>

Council and intendants disappeared at the death of Louis XIV. But at the close of 1715, besides the six councils for the conduct of the administration, a new council for commerce was established. This restored body held its first session November 21, 1715,<sup>9</sup> although its official existence became legal only by royal declaration in the following December, while its internal organization was first provided for by an ordinance of January 4, 1716.<sup>10</sup> Under the new arrangement the colonies were placed

<sup>6</sup> This publication classed it among the "Bureaux de Messieurs les commissaires du conseil pour les commissions ordinaires et extraordinaires des finances."

<sup>7</sup> Amelot, who had gone in 1705 as ambassador extraordinary to Spain, was replaced by Daguesseau, too aged by this time to bear easily this increase of duties. Amelot on his return resumed his place.

<sup>8</sup> In 1708 the new controller had created six intendancies of commerce, assigned to six *maîtres des requêtes*, among whom were divided the details of the service. A sixth and seventh commissioner had been added in 1708 and 1715. F<sup>12</sup> 54: 215.

The series of registers of the official reports of the meetings of the council, which extends from 1700 to 1791, is composed of forty-nine registers, classified F<sup>12</sup> 51-108, not including eight volumes for the years 1700-1719. This series has unfortunately a gap for the years 1767-1782, which it is possible to fill in a certain measure for the years 1769-1777 by means of the minute books, which furnish a summary of each subject; but for the years 1767-1768 and 1778-1782 it has proved impossible to find in any depository either the proceedings or the minutes. Additional copies for certain years have been located elsewhere: ten registers of proceedings for 1700-1719 in the archives of the ministry of foreign affairs, and a copy of the proceedings for 1700-1716 at the chamber of deputies.

<sup>9</sup> F<sup>12</sup> 59: 1.

<sup>10</sup> For the whole ordinance see F<sup>12</sup> 59: 22 ff.

under the council of marine. The new body consisted of eleven distinguished persons, among whom were to be found the president and chief of the council of finance, the president of marine, five councillors of state, and two *maîtres des requêtes*. The deputies of the principal commercial cities were again given places. The president had the right of entry into the council of regency with the privilege of participation in the discussion of all matters involving commerce. The deputies were thus continued and their advice rendered obligatory. This council, like its predecessors, had no right to make final decisions. Article 3 declared that all matters acted upon in the council should then be taken to the general council of regency to be there definitely decided by the regent.<sup>11</sup> Daguesseau's resignation a few months before his death made Amelot, as dean, president of the new council. By a concentration of offices he became a sort of minister of commerce, although during the first months of the regency the council was frequently presided over by great nobles who had the right of entry. Before Amelot's death on June 21, 1724, a number of changes had occurred.

The creation of a special bureau in this council had protected it against the disorder and anarchy which had swept away most of the other councils by the close of the year 1718.<sup>12</sup> It was able to maintain itself until early June, 1722, when it, too, suffered the fate of the other administrative bodies. It was, however, virtually reestablished immediately on June 22 with a change of name, bureau of commerce, but with the same character as that of the council of 1700.<sup>13</sup> The new bureau was composed of twenty-two people, among whom were eight councillors, five chosen by the king with a view to their commercial experience. Eight delegates from the merchants of the realm and three representatives of the tax collectors were given places in the bureau. It held its first session July 2 under the presidency of Amelot. Six departments were reestablished as they had existed in 1715, each including a certain number of provinces. To Amelot fell the direction of commerce and voyages, to the Councillor Le Peletier des Forts that of colonies and fisheries.

<sup>11</sup> F 1259: 21.

<sup>12</sup> At the beginning of the year Amelot had been given a seat in the council of finance when there were affairs of commerce to discuss.

<sup>13</sup> F 1270: 1.

Each head of a department was required to watch and report the condition of his province or the branch of industry belonging to his department and to correspond with the intendant of his province for the execution of royal decisions made on the recommendation of the bureau. Maritime and colonial commerce were not apportioned among the intendants, but still it was from these magistrates that the minister of the marine had to seek advice when he consulted the bureau.

Thus the bureau existed in all its essentials throughout the entire period of the French-American empire — indeed up to the French revolution.<sup>14</sup> The deputies were the most distinctive contribution of the council of 1700. Three deputies had appeared in Colbert's council of 1664; again in 1684 Seignelay had asked all sea merchants to give their opinions concerning important matters of commerce annually through deputies; but the decree of 1700 first made this representation permanent. Men of known probity and commercial experience, elected by the merchants of the chamber of commerce<sup>15</sup> or by the governing municipal body, were chosen: two for Paris, one each for ten maritime cities, Rouen, Bordeaux, Lyon, Marseilles, La Rochelle, Nantes, St. Malo, Lille, Bayonne, and Dunkirk.<sup>16</sup> Elections were at first annual, but later the powers of the deputies were continued from year to year, one deputy sitting for forty-five years.<sup>17</sup> It often proved difficult to find able men, while cities found the burden of the six to ten thousand livres necessary to maintain a deputy suitably at court so heavy a charge that they tried to escape it by neglecting to send a deputy.<sup>18</sup>

The work was purely consultative; the deputy spoke when asked to do so, presented reports, and deliberated in the depu-

<sup>14</sup> During the years 1730-1738 there occurred some modifications in the composition of the elements and some diminution of the importance of the president of the bureau, as his functions and those of the director of commerce were separated at the death of Fagon in May, 1744.

<sup>15</sup> In 1700 but two chambers of commerce existed, but others were promptly formed.

<sup>16</sup> They all appear also in the scheme for the council under the regency.

<sup>17</sup> It appears that one deputy sat forty-five years; four others more than twenty years. It should be noted that three colonies eventually sent deputies: Martinique and St. Domingo in 1761, and Guadeloupe in 1766. F<sup>12</sup> 104: 78. The records show the arrival of a deputy from St. Domingo as late as January 23, 1783. F<sup>12</sup> 106: 8.

<sup>18</sup> F<sup>12</sup> 62: 108.

ties' assembly, which met twice a week with the secretary, to whom were referred affairs from the council or minor matters even before they had reached that body.<sup>19</sup> But the deputies did not scruple to voice their opinions, make suggestions, offer vigorous protests on occasion, and even present business to the council.<sup>20</sup>

References to colonial affairs begin to grow scanty in the proceedings of the bureau after 1730,<sup>21</sup> business consisting largely of matters of routine for the most part uninteresting. The number of sessions of the bureau sank to thirty-five or forty a year. To a belief in strict regulation there succeeded after 1738 more liberal tendencies, which limited the number of affairs over which the administration deliberated. More often matters were handled directly by the president of the council or by the committees of the intendants. *Arrêts* were often passed, of course, by the council of state on matters which did not reach the minor council. Still, the latter had power to suppress the decree of a colony<sup>22</sup> and appeal lay to it in all cases of dispute between merchants and tax collectors. Business could come directly before the council or might be referred to it; this body then in turn often sought information from the deputies on local issues, from the intendants, from the chambers of commerce, from the farmers-general,<sup>23</sup> and even from the merchants.

Certain outlying principles with regard to colonial commerce seem to have been established before the creation of the council, dating back in great part to Colbert's scheme of colonial administration, but in regard to local dues to a much earlier period. The tariff schedule of 1698 determined the duties to a

<sup>19</sup> If a weighty matter was under consideration the secretary referred it to the deputy most conversant with the subject; he brought back his matured judgment to a later meeting, whereupon it was reported back to the council. Unanimous decision was not necessary.

<sup>20</sup> The government tried to make the deputies independent of their electors. It sought to promote a general rather than a local interest in commerce.

<sup>21</sup> For twelve years, from 1749 till 1762, there is evidence in the catalog of eleven references to colonial affairs. In 1758 the sessions were short and irregular and the records of the proceedings are often missing.

<sup>22</sup> As, for instance, the decree of the superior council for Quebec. F<sup>1282</sup>: 324.

<sup>23</sup> F<sup>1255</sup>: 35. For a fuller treatment of the history of the council of commerce see Lelong, *Conseil de commerce et bureau du commerce*, introduction, vi ff.; A. de Boislisle, *Les conseils du roi sous Louis XIV* (Paris, 1884), 7: appendix, 155 ff., 415 ff.

large extent until superseded by the rule of 1717. Much dissatisfaction with the old regulations and tariffs and many conflicting if not contradictory decrees, giving rise to frequent contests between merchants and tax collectors, led on April 8, 1717, to a significant revision of the law regulating colonial commerce.

The whole was worked over for more than a year with much care and painstaking sifting of information. Deputies of the chief cities engaged in colonial commerce met with the farmers-general at frequent intervals; merchants were summoned before the council and interviewed; measures to favor the colonies were discussed; the conflicting interests of state, colony, tax collector, and port were considered; and effort was made to enable the various cities of the kingdom to compete on equal terms for the commerce of the colonies. While the rupture with the past was not absolute, essential changes were made.<sup>24</sup>

Colonial commerce in the early years of the council was restricted to five ports:<sup>25</sup> Nantes, La Rochelle, which had not yet lost the mercantile preëminence which her Huguenot industry had won for her, Bordeaux, Rouen, and Marseilles.<sup>26</sup> Dunkirk was the first to break into the narrow circle of the elect. Her chamber of commerce demanded, almost immediately after the formation of the council,<sup>27</sup> the right to bring sugars and other necessities for her commerce direct from the West Indies.<sup>28</sup> Her deputy, unwearying in his efforts, secured for her in 1704 the desired entry into the trade, but under rigid conditions of carrying to the colonies only French merchandise.<sup>29</sup> In Janu-

<sup>24</sup> The record of the discussion at the council of July 25, 1726, brings out the above facts. F<sup>12</sup> 73: 490.

<sup>25</sup> Constant reference is made to them as the ports of the "*cinq grosses fermes*." F<sup>12</sup> 51: 68. But this term seems to have been used loosely, since it describes one of the three zones created by Colbert in 1664 to simplify the taxes, including the Ile de France with the twelve provinces between the Loire and the Somme. The second zone included the "*provinces étrangères*": Brittany, Franche Comté, Flanders, Auvergne, and southern France; while the "*provinces réputées étrangères*" included Marseilles, Dunkirk, Alsace, Lorraine, Metz, Verdun, Lille, and Bayonne.

<sup>26</sup> F<sup>12</sup> 51: 234. Note that Marseilles was a free port with the right to colonial trade, possibly because it tapped the most prosperous part of France.

<sup>27</sup> January, 1701.

<sup>28</sup> F<sup>12</sup> 51: 19.

<sup>29</sup> This subject does not appear again in the proceedings after June 4, 1704, when the whole matter was reported to the king without formulated decision. F<sup>12</sup> 51: 262. A later statement, however, shows that the king had granted the request.



ary, 1704, Bayonne was likewise rapping for admission, only to be instantly refused.<sup>30</sup> Persistence, however, eventually broke down the opposition so that some time before February, 1707, the right of participation in colonial trade was hers. By 1716 the whole attitude on this question had become more liberal. The estates of Languedoc on October 15 presented a *cahier* demanding permission for their merchants to trade with the colonies of America through Cette. Again the original ports objected to sharing the gains of trade in time of peace after having sustained alone the losses in time of war. But the council decided that it was not right to refuse this demand, since "all the maritime provinces have a port by which they are permitted to trade with America."<sup>31</sup> And so the grains, wines, and brandy of Languedoc entered the colonial markets on an equality with the cloths of Normandy, with the wines, staves, and hoops of Bordeaux and La Rochelle, with the glass, shoes, and hats of Rouen, and with the oils, dried fruits, and light cloths of Marseilles.

The first article of the rule of 1717 greatly increased the list of cities which might engage in colonial commerce, all seaports of any significance now being admitted—thirteen in all. To the original number were added Calais, Dieppe, Havre, Honfleur, St. Malo, Morlaix, and Brest, while Dunkirk and Marseilles were dropped.<sup>32</sup> But within less than two years—February, 1719—Marseilles was restored to the list. Dunkirk, after considerable hesitation on the part of her merchants, asked in December, 1717, to be continued in the old right. Three years later the council, moved "by her sad and bitter condition since the demolition of her port and the loss of her colonial trade,"<sup>33</sup> recommended that the king accord her letters patent for this trade under provisions similar to those prescribed in 1717. The favorable situation of another small port of Brittany—on a river with a number of small islands for shelter against storm and pirates—proved decisive and Vannes was added to the

<sup>30</sup> F<sup>12</sup> 51: 234.

<sup>31</sup> October, 1716. F<sup>12</sup> 59: 196.

<sup>32</sup> The line was closely drawn. Toulon was not allowed to take the place of Marseilles even while that city was debarred from commerce by quarantine.

<sup>33</sup> Dunkirk, it will be recalled, had been demolished under the terms of the treaty of 1714, but Louis had dug another port and canal near the old city.

list.<sup>34</sup> The privilege of participation in the fisheries on the coast of Canada and Isle Royal, with the exemption from export duties granted by the letters patent of 1717, "since they had been made general for the colonies,"<sup>35</sup> was extended to Sable d'Olonne in October, 1728, and to St. Jean de Luz in March, 1734.<sup>36</sup> Although several other ports sought, after these permissions, to gain a share in the American commerce, there is no evidence in the records which would justify the conclusion that the list was further extended.<sup>37</sup> Meanwhile, by December, 1722, certain ports of entry had been designated for each colony of the new world.<sup>38</sup>

Before 1717, according to a decree of the council of state of December 14, 1671, vessels were free to return to any one of the five ports which shared in the colonial trade,<sup>39</sup> though they were required to sail from and to return to one of these ports. But as the lack of uniformity in the rate<sup>40</sup> produced great discrepancies in the taxes, and as this rule gave the ocean ports, moreover, a great advantage over Marseilles, the revision of 1717 required return directly to the port of departure, except in case of shipwreck or other accident.<sup>41</sup> None of the articles had provoked greater discussion when the rule of 1717 was formulated;<sup>42</sup> none was more constantly assailed or more tenaciously

<sup>34</sup> F<sup>12</sup> 75: 794. The *arrêt* issued from Versailles December, 1728. F<sup>12</sup> 75: 994.

<sup>35</sup> The council ruled that all subjects without exception who sent cargoes thither should enjoy equal rights. F<sup>12</sup> 75: 834 ff. For the full text see F<sup>12</sup> 76: 99.

<sup>36</sup> Almost twenty years later, as a concession to the war then in progress, the former city was permitted to share in the commerce of the West Indies for one year, a concession renewed for one additional year. St. Jean de Luz had participated in the trade, but paid duties on exports on the score that it was not named in the letters patent of 1717. In 1734 it appealed to the council with the result shown above. F<sup>12</sup> 81: 535, 786.

<sup>37</sup> Granville sought entry in May, 1737, but was refused (F<sup>12</sup> 84: 249; 94: 139); Amiens and Abbeville in October, 1744 (F<sup>12</sup> 91: 557); Valéry in 1740 (F<sup>12</sup> 87: 452).

<sup>38</sup> Quebec for New France; Cape François, Leoganne, Petit Goave de Pix, and St. Louis for St. Domingo; St. Pierre, Port Royal, and La Trinité for Martinique; and Basse Terre and Grande Terre for Guadeloupe. Article 2, F<sup>12</sup> 70: 266. Article 2 of the rule of 1717, which required return to the port of departure, and article 16, granting storage privileges, were made applicable to islanders with strict precautions against abuse.

<sup>39</sup> Based on a statement in F<sup>12</sup> 63: 119.

<sup>40</sup> Stated by Maurepas, F<sup>12</sup> 73: 241.

<sup>41</sup> Article 2, F<sup>12</sup> 62: 51.

<sup>42</sup> F<sup>12</sup> 79: 163.

adhered to. Already on February 12, 1722, temporary permission to deviate from the rule while the subject was being examined was given<sup>43</sup> but the grant was promptly revoked, while in December following the rule was made applicable even to the colonial ports.<sup>44</sup> After repeated efforts St. Malo on July 25, 1726, finally won the privilege of return to a port on the Mediterranean by picturing the advantage to Marseilles herself in quickened trade, especially with Italy, and in the advantage to the customs.<sup>45</sup> But though permission was given in individual cases and though Maurepas still urged freedom of return, it was not until April 20, 1744, that the article was wholly suspended, and then only for the period of the war.<sup>46</sup> In 1748 the council was again reviving the question,<sup>47</sup> so that it is clear that the policy of free return had not yet been fully established.

The principle that vessels should not secure any portion of their cargo at a foreign port en route to or from America, fixed in practice before 1717, was expressly forbidden in 1717 by articles 26 and 27. The first departure from the rule came in February, 1721, when under pressure of a plague at Marseilles ships were allowed temporarily to return via Spain,<sup>48</sup> under restrictions intended to secure the payment of all legitimate duties. Little more than a month later it was extended to permit of return via Genoa, Leghorn, and Naples with exaction only of the *domaine d'occident*<sup>49</sup> and evidence of the character of the produce taken on at the West Indies.<sup>50</sup> Because of the advantage which colonials would have and the opportunity for evasion of the taxes, however, this privilege was refused them the following April. The dispensation lasted a little more than two years, when with the subsidence of the

<sup>43</sup> Coupled with a strict prohibition against regarding the action as a precedent. Merchants had also to agree to pay the fine which the council might later impose.

<sup>44</sup> F 12 70: 197 ff.

<sup>45</sup> F 1273: 498. A state decree followed on September 3. F 1273: 551. In March ships from St. Malo had been allowed to return to any port of Brittany.

<sup>46</sup> The catalog states that the decree is found in F 12 91: 769.

<sup>47</sup> Catalog, F 12 95: 647.

<sup>48</sup> The request of a merchant of Bordeaux to return from Martinique via Cadiz was made the occasion for a general dispensation of the rule.

<sup>49</sup> A tax of three per cent usually levied on goods from the French West Indies.

<sup>50</sup> March 27. F 12 68: 133 ff.

plague the rule again became operative.<sup>51</sup> In January, 1726, frightened by a rumor of the free entry of Brazilian sugar into Spain,<sup>52</sup> the rule was again set aside with respect to refined and muscovado sugar for Spain only.<sup>53</sup> All efforts to secure the extension so as to return via Italy were vain, as was the effort of St. Malo to secure the inclusion of raw sugar, for fear that this article would reach other foreign markets and so cripple the French refineries by putting them at the mercy of carriers.<sup>54</sup> The records do not show revocation of this liberty, but neither is there any evidence of further relaxation.

It was not until December, 1725, that any deviation from the rule of direct passage to the colonies was permitted, and then only as the result of a determination to crush the foreign trade there. It was therefore decided to allow cattle to be taken aboard at the Cape Verde islands, where a dearth of manufacturers seemed to make the venture safe. But since the pressing need of the colonies for food was insufficiently met from this source, the council was obliged within twelve months to permit ships for one year to stop at Irish ports for provisions, especially salt beef, in an effort to silence the clamor for foreign trade. Despite the objections of Bordeaux that her commerce with Ireland had suffered since French vessels had been stopping there for beef, the privilege was continued each year successively until 1741.<sup>55</sup>

Certain principles with regard to duties were clearly established by the time the council took charge of mercantile affairs in 1700. Food of French production could be exported to the colonies free of all export duties;<sup>56</sup> colonial produce intended

<sup>51</sup> June 4. F<sup>12</sup> 70: 163.

<sup>52</sup> The quality of the sugar was so superior that there was danger that France would lose out altogether. F<sup>12</sup> 72: 49; 73: 17.

<sup>53</sup> For the whole decree see F<sup>12</sup> 73: 57 ff., dated January 27. It was not extended to colonials, as, according to Maurepas, it would not be possible to prevent their taking foreign merchandise and supplies back to the isles. F<sup>12</sup> 73: 226.

<sup>54</sup> As there were but few refineries in Spain the reason for excepting raw sugar does not appear. One merchant felt that it was but the continuation of the policy of 1698 when there was barely enough sugar for France, but cited the exportation of ten thousand barrels at this time (1727).

<sup>55</sup> The clause in the first permission, "sans esperance d'un plus long terme," becomes amusing in the light of subsequent extensions for fifteen years. The decree was issued December 24. F<sup>12</sup> 74: 807.

<sup>56</sup> By 1744 there is evidence that beef was again passing first to France. Catalog,

for foreign consumption was stored duty-free;<sup>57</sup> and in general local dues, except on food, were honored.<sup>58</sup> Goods for the American colonies could be moved without duty from the interior to a port,<sup>59</sup> and from one port to another in case of inability to transport by water. In general, it would seem that colonial produce must pass directly to the French port for which it was declared, though for cause overland transport under the usual three per cent *domaine d'occident* was allowed.<sup>60</sup> The principle of relieving French exports, including munitions and equipment for vessels as well as food, of all duties except aid and *domaine d'occident* was continued by the rule of 1717.<sup>61</sup> The right of transference of French goods intended for the colonies from one point to another suffered a change in that food and merchandise passing by sea from one port to another must be stored, must be declared at the customs, and must prove delivery at the designated port within three months. The right of transport overland with direct transfer to the ship was continued with safeguards against abuse.<sup>62</sup> To insure delivery at the colonial port named, merchants were required to bring back a certificate signed by the governor, intendant, and chief of the *domaine d'occident* bureau.<sup>63</sup>

In December, 1722, the rule of 1717 was extended to the islands, with its obligations of direct return to the port of departure without stopping in either direction at a foreign port and of furnishing evidence of delivery within one year, while the remainder of the articles were extended in a general way.<sup>64</sup>

F<sup>12</sup> 91: 306. A few instances of voyages via Spain and the Cape Verde islands, to avoid the long detour to Ireland, are to be found. F<sup>12</sup> 74: 530; 81: 932.

<sup>57</sup> A principle operative as early as 1671 and confirmed in 1673, 1674, 1677, and 1701. F<sup>12</sup> 62: 50.

<sup>58</sup> Allowable after August, 1671. F<sup>12</sup> 59: 196.

<sup>59</sup> See F<sup>12</sup> 54: 178 for old duties on hats. Food would seem to have passed out free since 1665. F<sup>12</sup> 74: 147.

<sup>60</sup> After 1702 by order of the controller-general from one port to another. F<sup>12</sup> 58: 293.

<sup>61</sup> Such a case arose in 1710 when the presence of corsairs in the Mediterranean offered such risks that the merchants of Bordeaux were allowed to send some sugar by the canal of Languedoc to Marseilles. F<sup>12</sup> 55: 180.

<sup>62</sup> By constant examination of the seals, by verification of the number of boxes and bales, and by loading aboard ship in the presence of clerks of the customs.

<sup>63</sup> Article 9. It implied that certain colonial ports must be designated.

<sup>64</sup> F<sup>12</sup> 70: 197 ff. In December, 1717, certain of the articles of the rule had been

At first goods which were not to be had in the kingdom could be imported from abroad for the colonial trade under rigid conditions designed to prevent abuse of this effort to favor colonial trade.<sup>65</sup> Beginning in the early years of the century with few requests, the stream of foreign imports swelled to considerable dimensions by 1707,<sup>66</sup> being drawn chiefly from Holland, Ireland, Germany, the Spanish Netherlands, and occasionally from England.<sup>67</sup> It would seem that a list of the foreign products so favored was kept on file at the council.<sup>68</sup> Some articles came in duty-free, some on payment of the customs; but goods procurable in the kingdom were rigorously excluded.<sup>69</sup> In 1717, however, a change occurred in this regard. Foreign goods, even from Marseilles and Dunkirk, were now subject to import duties, even though declared for the islands.<sup>70</sup> The sole exception was Irish salt beef, which could enter the ports named in the first article duty-free if stored.<sup>71</sup> Within a few years, in 1722, the need for foodstuffs became so pressing that the privilege of free

extended to Canada, such as the right of storage for goods to or from New France, and reëxportation to foreign lands, although a decree of December 11 had expressly renewed the exemption which Canada had always enjoyed from the three per cent *domaine d'occident*. Canada still paid duties under the schedule of 1664. F<sup>12</sup> 79: 581. In 1732 the council was forced by a refusal of the farmers-general to acknowledge the right of colonials to exemption from export duties to decree that the colonials must be treated just as were Frenchmen. F<sup>12</sup> 79: 167.

<sup>65</sup> An equivalent cargo must be sent from France, goods must be transferred from ship to ship in the presence of customs officials, or placed in storage under three locks. F<sup>12</sup> 55: 125.

<sup>66</sup> The writer noted sixty-four such requests acted on separately in a few years.

<sup>67</sup> The principle that such goods should enter free had asserted itself in 1673, when a decree of the council of state made all foreign goods for the negro trade exempt from import and export dues. By recommendation of the council the practice was continued in 1700. F<sup>12</sup> 51: 7, 251.

<sup>68</sup> Based on a statement in F<sup>12</sup> 58: 139.

<sup>69</sup> F<sup>12</sup> 54: 389; 55: 26. This was particularly true of cloth. F<sup>12</sup> 55: 128. The free list included porcelain, white linen, pipes, knives, tin, gunpowder, beads, steel, thread, lace, copper vessels, coarse prints, coral, and pottery from Holland and Germany (F<sup>12</sup> 54: 284; 55: 108, 181); salt beef, butter, wax, tallow, and candles from Ireland (F<sup>12</sup> 55: 34); copper vessels and prints from England; and, rarely, lace, thread, paper, and cloth from Italy (F<sup>12</sup> 55: 297). Swedish iron and copper ore were allowed entry but with duty, as were also whale oil, mirrors, locks, and bells. Guns, tarred cordage, cables, woolen goods, and ploughshares were wholly rejected. F<sup>12</sup> 55: 60.

<sup>70</sup> Article 10, F<sup>12</sup> 62: 53.

<sup>71</sup> Article 2, F<sup>12</sup> 62: 53.

entry and storage was extended to include butter, salt salmon, lard, and bacon, not only from Ireland but also from other countries. Granted for one year only, it proved necessary to extend this privilege each succeeding year until November, 1730, when it was continued for three years and then appeared no more in the records.<sup>72</sup>

The storage of colonial produce without duty, practiced since August, 1761,<sup>73</sup> was continued except for the *domaine d'occident* by the rule of 1717 for all the ports named in article 1, except those of Brittany, if declared at entry for foreign export. Merchants who exported colonial produce by sea must state the destination of the goods and submit within six months evidence of delivery in the designated port.<sup>74</sup> Merchants of ports enjoying the right of export could ship overland by prescribed routes under certain hard and fast conditions<sup>75</sup> the following colonial products: refined and cassonade sugar, indigo, arnotto, ginger, and cocoa.<sup>76</sup>

Decisions of the council soon gave these provisions a more exact interpretation. Only a few months after the promulgation of the new law, August 26, it was ruled that colonial goods for Rouen arriving at Havre or Honfleur could be stored at one of the seaports and that a cargo could be divided for storage purposes. Since the article provoked discussion as to the limit of storage privileges, it was decided in January, 1723, that storage must be limited to one year, the same regulation being applicable to goods for as well as from the colonies.<sup>77</sup> As early as May, 1721, the list of undutiable articles which might enjoy the benefit of transit was extended: furs and Canadian goods, except beaver, were expressly named,<sup>78</sup> while tanned leather, the last to obtain this right, was added in August, 1746.

<sup>72</sup> F<sup>12</sup> 75: 907. It ended presumably August, 1733.

<sup>73</sup> F<sup>12</sup> 59: 195.

<sup>74</sup> By a certificate signed by the French consul, a judge, or other official. Article 16, F<sup>12</sup> 62: 54.

<sup>75</sup> Particular routes for the various countries are enumerated in article 16 of the rule of 1717. See article 17 for the conditions. F<sup>12</sup> 62.

<sup>76</sup> A later statement declared the chief purpose of the new schedule was to help raw sugar pass to foreign countries.

<sup>77</sup> F<sup>12</sup> 70: 109 ff. The rule applied to every port engaged in the trade.

<sup>78</sup> The farmers-general had refused this right to Canadian goods, as they were not named in article 17. F<sup>12</sup> 62.

As by 1722 the right of storage, despite the vigilance of self-interested officials of the customs, had proved itself susceptible of abuse,<sup>79</sup> the council required within one year after storage in a warehouse an inventory by a clerk of the customs.<sup>80</sup> Likewise the temptation of refiners to declare all sugars for foreign consumption necessitated the requirement of a certificate of delivery within four months after importation<sup>81</sup> and strict observance of the designated routes, while transit by land was by 1737 given a narrow construction.<sup>82</sup>

It is possible to glean some slight conception of the system and amount of duties levied on colonial produce. Until 1717 Colbert's tariff schemes prevailed in general. His underlying principle seems to have been to tax colonial produce for home consumption, but not if it were intended ultimately for foreign exportation. The taxes were, in the main, high, as the necessity for a general rescaling in 1717 shows. As is well known, the chief articles of colonial production at this time were fish, oils, sugars, cocoa, indigo, and beaver skins from Canada.<sup>83</sup> Sugar was the great object of taxation.<sup>84</sup> Under the schedule of June 20, 1698, raw sugar paid an import duty of three livres sixty sous per hundred pounds.<sup>85</sup> Already in December, 1700, the council was discussing the advisability of relaxing the rule which forbade its export, since there seemed more than an ample supply for home refineries. By July, 1715, the merchants of the western ports found their sugar a drug on the market, and hence the council recommended that permission be given La Rochelle and Bordeaux to store raw sugar.<sup>86</sup> In the following

<sup>79</sup> Goods were often sold to a shipper or in small amounts to merchants for France. For cases in point see F<sup>12</sup> 54: 284.

<sup>80</sup> F<sup>12</sup> 70: 271 ff.

<sup>81</sup> For the seven detailed articles see F<sup>12</sup> 77: 61. February 16, 1730.

<sup>82</sup> In connection with an effort by citizens of Nantes to send indigo and other produce from Bordeaux abroad by the canal of Languedoc. F<sup>12</sup> 83: 651.

<sup>83</sup> Inasmuch as beavers were handled by a company under a monopoly, this article does not touch that complicated subject.

<sup>84</sup> From 1670 on, France was acquiring supremacy in the fisheries, driving England out; but while she supplied her own market with sugar, it was only in 1715 that she was in a position to export sugar.

<sup>85</sup> The rates mentioned differed until it is difficult to draw conclusions.

<sup>86</sup> To the amount of ten thousand barrels for La Rochelle, six thousand for Bordeaux. Fourteen thousand barrels were reported in the refineries, while eleven thousand barrels a year supplied the demand.



October merchants of Nantes secured permission to export duty-free one-half the raw sugar then on hand or in the warehouses by the close of the year.<sup>87</sup> And so great became the surplus that the right of free export remained effective through repeated renewals until July 1, 1717, when the new rule had gone into effect.<sup>88</sup>

A decree of September 28, 1674, had granted to the four cities of Rouen, Dieppe, Bordeaux, and La Rochelle restitution of duties on sugar after it had been refined, if declared on entry for foreign use. An effort in 1707 to secure an extension of this privilege to Nîmes for Languedoc was refused for fear that it would injure the trade of the maritime cities.<sup>89</sup> In 1711 it became necessary to restrict the time limit within which restitution of duties on sugars could be claimed to six months after they had entered storage and to name the ports by which the refined sugar could be exported.<sup>90</sup>

Modification in duties on colonial products meant for home consumption, however, was made in most cases by the rule of 1717.<sup>91</sup> Thereafter in all ports but those of Brittany a tariff of three livres fifty sous a hundredweight was collected on raw sugar, of two livres ten sous on muscovado,<sup>92</sup> and of eight livres on cassonade.<sup>93</sup> The schedule was also fixed for indigo, ginger,

<sup>87</sup> Soon the other ports were clamoring for like rights under threat of breaking off their colonial commerce. F 12 59: 18.

<sup>88</sup> The usual conditions of a declaration to transport, payment of local dues, and the like, were imposed. F 12 59: 57. An almost prohibitive duty existed on foreign sugars — twenty-two livres ten sous per hundredweight, mentioned incidentally in F 12 51: 6. It was laid by the last tariff before 1700, presumably that of 1698. From this time the advance in the output of sugar was so rapid that according to Joshua Gee, an English merchant, the French were underselling the British on the continent, even acting as carriers of Brazilian sugar to the levant. Charles M. Andrews, "Anglo-French commercial rivalry, 1700-1750: the western phase," in *American historical review*, 20: 550.

<sup>89</sup> F 12 54: 2.

<sup>90</sup> F 12 77: 69. Local dues were not to be escaped, even by petted colonial produce, but the only suggestion of the amount appears in a note of a fifty sous duty on sugar at Rouen and of a duty of one sou per pound on American cod in Norman ports. F 12 55: 166.

<sup>91</sup> As early as 1702 the deputy of La Rochelle complained that duties on colonial produce were too high — more than in foreign lands, especially Holland.

<sup>92</sup> Compare with the three livres twenty sous formerly levied.

<sup>93</sup> Compare with the fifteen livres of the tariff of 1664; note the reduction.

cotton, arnotto, cassava, cocoa, rope yarn, and tortoise shell.<sup>94</sup> Any of the above articles entering Brittany was obliged to pay the stipulated rates before passing into any other province.<sup>95</sup> In view of the moderation in duty on raw sugar, the restitution of entry duties on sugar refined for foreign use was kept at the old rate.<sup>96</sup> In Brittany the old schedule was operative, without restitution of duty on reëxportation or reduction upon entering another province of France. The duties on other colonial products were left unchanged, a fact which meant dues according to Colbert's scale of 1664 in the "cinq grosses fermes" and local dues in the provinces "reputées étrangères."<sup>97</sup> The duty on foreign sugar was everywhere left at the old rate,<sup>98</sup> while the right of storage was revoked except for the muscovado sugars of Brazil and then only in the ports of Bayonne and Marseilles.<sup>99</sup> The *domaine d'occident* duty was declared collectible in all the ports at three per cent in kind or money, even if the produce had been declared for reëxportation.<sup>100</sup>

The new schedule did not seem to require alteration until 1724, when the tariff of 1664 of fifteen livres a hundredweight on refined sugar from the provinces "reputées étrangères" into the "cinq grosses fermes" was felt to be too heavy, as it made Dutch sugar cost less than sugar from Bordeaux.<sup>101</sup> The duties, accordingly, were moderated to three livres, two sous, one denier, with Brittany as usual excepted.<sup>102</sup> The article which prescribed the restitution duties on sugar required further formulation be-

<sup>94</sup> The writer has been unable to find a basis for comparison with former rates on these articles.

<sup>95</sup> Article 20 of the letters patent of 1717. It was reported that merchants of St. Malo were present and agreed to this important article.

<sup>96</sup> Five livres, twelve sous, six deniers, virtually a bounty from the state, a rate fixed in 1684. Article 31 of the letters patent of 1717. Very early Cette was recognized as belonging to the list of cities which might have the import dues restored when the refined product was exported, the omission being merely an oversight. F 12 63: 5.

<sup>97</sup> Except for loaf sugar, taxed even in Brittany two livres ten sous according to the decree of April 25, 1698. Article 23, F 12 62: 57.

<sup>98</sup> See above, note 88.

<sup>99</sup> Article 24 of the letters patent of 1717.

<sup>100</sup> Article 25, F 12 62.

<sup>101</sup> F 12 71: 41.

<sup>102</sup> F 12 71: 213.

fore the problem was settled. The council in October of 1717 agreed on the amount to be restored on sugar refined in France: six livres fifteen sous on all sugar declared prior to August 1, 1717; five livres, twelve sous, six deniers on those declared subsequent to that date.<sup>103</sup> In 1725 it recommended a decree that sugars refined at Bordeaux, Rouen, Dieppe, or La Rochelle from raw colonial sugar, intended for consumption in Alsace or Franche Comté, should continue to enjoy exemption from all import and export duties on raw sugar.<sup>104</sup>

The regulation concerning the *domaine d'occident* called for clarification, as a difference in valuation at various ports created in due time complaint. But in general the council insisted that custom officials should levy the lower valuation in order to help rather than burden colonial commerce.<sup>105</sup> An interpretation of this tax in relation to intercolonial trade also became obligatory when it was ruled that this duty might be collected on goods from the southern colonies to Isle Royal and goods taken in exchange to France. But the exemptions from this tax, granted in 1714 for ten years on dried cod and oils of Isle Royal and on all American produce resulting from the negro trade under the letters patent of the Guinea company of 1716, were held valid.<sup>106</sup>

Though the rules seemed hard and fast, the council allowed from first to last many exceptions. In fact, so numerous were the requests for deviations from the law that they consumed a generous portion of the time of the council. It may not be too much perhaps to interpret the increasing number of such grants after the first quarter of the century as evidence of a growing liberality of policy.<sup>107</sup> Vessels were relieved from the necessity of returning to the port of departure for various reasons, some valid, some mere pretexts.<sup>108</sup> Likewise, exceptions were allowed

<sup>103</sup> F<sup>12</sup> 62: 151. See special decree of January 22, 1718.

<sup>104</sup> But not until 1733 did the council define the formalities to be observed by the refiners in order to claim restitution of the duties. F<sup>12</sup> 80: 997.

<sup>105</sup> For such a case in 1731, see F<sup>12</sup> 78: 417. The colonial trade seemed to be falling off just then.

<sup>106</sup> May, 1731. F<sup>12</sup> 78: 417.

<sup>107</sup> A hasty count revealed twenty-four such grants in a relatively short time. After 1730 permissions were given for slight reason or none at all. F<sup>12</sup> 78: 136; 79: 403.

<sup>108</sup> Such as an unsafe harbor; a profitless voyage from the point of construction

to the rule of import duties on all foreign goods except beef. An exception to the rule which forbade foreign goods to pass directly to the colonies without storage in a French port, allowed in 1718 "for this time only and without establishing a precedent," proved only an entering wedge. A few isolated cases even appear where vessels were given express permission to touch at the port of a foreign colony en route for the French islands.<sup>109</sup>

And yet, despite a fairly liberal policy in granting exceptions, merchants apparently shunned refusals or the red tape of securing permission for deviations from the law. But even in the handling of violations the council pursued a lenient policy: penalties were often remitted or moderated and this often when the evidence of evasion or pretense was clear.<sup>110</sup> In a relatively few cases only was the full penalty inflicted.<sup>111</sup>

The attitude of France with respect to foreign participation in her colonial trade was stated at all times with sufficient clearness. Nowhere is a clearer definition of her position to be found than in the following outburst of a deputy in 1725: "It is disgraceful for the nation that we suffer strangers to invade our commerce in the islands and French colonies, when they know

to the home harbor of the owner; injury by storm (F<sup>12</sup> 67: 57; 72: 232, 562, 698); inexperience of the captain (F<sup>12</sup> 72: 45); because only a cargo was concerned (F<sup>12</sup> 68: 375); because of the plague during 1722.

<sup>109</sup> A ship set sail from La Rochelle carrying in the hold a cargo of cloth for New York, where it proposed to take on grain to be exchanged in turn for sugar at St. Domingo. The lack of grain in that colony prompted this laxness. F<sup>12</sup> 55: 110. Another relaxation in 1710 permitted a merchant of La Rochelle to add wine, brandy, and prints for Martinique at the Canaries. F<sup>12</sup> 55: 143.

<sup>110</sup> An instance of plain violation appeared in the selling at the Cape Verde islands of goods which had cleared for the West Indies; yet the council contented itself with exacting the customs which had been evaded. F<sup>12</sup> 78: 31. In 1721 some prints and linen from Holland were seized at Nantes, as such merchandise was forbidden entry, but the council ordered the goods restored and gave the necessary permission for entry. F<sup>12</sup> 68: 125. Not so generous was the enforcement of the penalty for the same offense against a merchant of Martinique, whose boat and cargo were seized and from whom a fine of three thousand livres was collected for interpreting the permission to go directly to Spain as applicable also to colonials. Boat and cargo were later restored.

<sup>111</sup> A case appears in the records of 1709 of imprisonment and a fine of three thousand livres for carrying forbidden goods into France; and some salt which had been loaded on a colonial vessel at Cadiz as ballast was returned to the sea and a heavy fine exacted. F<sup>12</sup> 69: 178.

so well how to prevent us from entering their colonies.”<sup>112</sup> Foreign trade was expressly prohibited. Evidently France had been somewhat more liberal than her rivals,<sup>113</sup> despite her professions of faith and the numerous decrees of her council, for that body declared that the French ought to imitate the English “who do not permit any foreign vessel to enter their colonies.”<sup>114</sup> Complaints were heard that the produce of the colonies could not be had at a reasonable price because of the foreign competition, nor could home goods be sold in the colonies at a profit; and that coin was vanishing from the colonies into the coffers of the nation’s rivals.<sup>115</sup> This policy was adhered to faithfully in the main.<sup>116</sup> But colonial officers were allowed to issue at discretion blank passports, which permitted masters of ships to introduce produce from North America.<sup>117</sup> Even the character of foreign boats passing into French hands or to naturalized citizens became a matter for consideration. The colonial trade was declared open to a naturalized Irishman only upon proof

<sup>112</sup> F 12 72: 526. It is amusing that England was objecting just as strenuously to the invasion of New England by French sugar. The English attributed the success of the French to the more highly organized system of control and to the more liberal policy of French customs. English sugars had to bear a plantation duty of eighteen pence per hundred and a four and one-half per cent export duty in the Barbadoes and the Leeward isles so that French sugars were rated twenty-five to thirty per cent cheaper than those from the English islands. See Andrews, “Anglo-French commercial rivalry, 1700-1750: the western phase,” in *American historical review*, 20: 763.

<sup>113</sup> F 12 55: 17.

<sup>114</sup> F 12 58: 324.

<sup>115</sup> A treaty with England mutually safeguarding their interests in this respect had been concluded in 1686. But it is noteworthy that England permitted the seizure of French ships only in the English West Indies, while France seized the ships of New England only when her market was glutted with barrel staves or food. For complaints see *Journal of the house of commons*, 21: 713; *Calendar of state papers*, 1700, p. 789.

<sup>116</sup> A proposal to allow eight Dutch ships to take supplies to the French West Indies in 1709 when the latter were reported hard pressed for the necessities of life, owing to the war, was refused because the deputies felt that the request was a ruse to secure military information. F 12 55: 17. And the declaration by the king of a resolve to grant passports to foreign vessels in view of the need of provisions in the colonies met with vigorous protest. It was noted that since the export of grains was forbidden in Great Britain and Holland under death penalty, it was likely that the plan was a subterfuge to introduce foreign manufactures. F 12 55: 111.

<sup>117</sup> This is the first confirmation the writer has found in these documents of the English charge of blank passports. See *Journal of the house of commons*, 21: 686.

of his change of allegiance,<sup>118</sup> while the action taken in several instances make it clear that no foreign crew was tolerated.<sup>119</sup>

The policy of restricting trade to French shipowners led, as a natural consequence, to a policy of forbidding colonials any participation in foreign colonial trade.<sup>120</sup> In February, 1715, the council was called upon to act on a proposition to import several hundred horses from New York to Martinique and Guadeloupe. But the deputies saw insuperable objections to the long voyage of more than fifteen hundred leagues and in the danger of illicit commerce.<sup>121</sup> In no wise had the attitude of France changed by the time she revised her law in 1717. The problem had merely become more pressing with greater English aggressiveness. To guard against violation captains of vessels must present on their arrival in France a list of the goods loaded at the islands, signed by a clerk of the *domaine d'occident* bureau. Pleas came up, however, from the governors that the colonies lacked the necessities of life and would perish from hunger if not properly succored.<sup>122</sup> In the face of such a crisis officials were given permission to bring from neighboring foreign islands beef and grain, while the French chambers of commerce, consuls, and merchants were urged in almost pathetic fashion to relieve the want of the colonies and to recover the trade which was slipping from their hands.<sup>123</sup>

England and her shrewd Yankee colonists were the doughty opponents who managed, for the most part with impunity, to slip manufactures, whiskey, and the horses of which the colonists had such need into the French islands. In 1725 began the

<sup>118</sup> F 12 55: 34.

<sup>119</sup> A French boat, ransomed by its owners from the English, was allowed to set sail for the islands after its return to Bordeaux but on condition that its Irish crew return to their own land.

<sup>120</sup> Article 4 of the decree of August, 1698, had forbidden all merchants in New France to trade with neighboring islands of foreign allegiance. F 12 70: 265. This was later partly rescinded, as will be shown.

<sup>121</sup> F 12 58: 324. Importation of horses or mules from Porto Rico was suggested, showing that already Spain was regarded as less dangerous than England. Here is the first of a long series of threats that if the abuse of intercolonial trade was not repressed French merchants would be obliged to forsake this commerce.

<sup>122</sup> F 12 68: 82.

<sup>123</sup> The council regarded it as astonishing and sad that merchants had abandoned the colonial trade and was convinced that French merchants, as faithful citizens, would find some remedy for the dearth prevailing in the colonies.

long series of remonstrances which came through to the council. It was stated that from January to November, 1725, the governor of Martinique had given seventeen permissions to English vessels to enter, while it was estimated that twenty vessels from New England were anchored in that colony at one time.<sup>124</sup> The council gave itself seriously to a consideration of the many remedies suggested.<sup>125</sup> By October, 1725, the king's plan was formulated for driving out free traders and resident foreigners, dividing nicely the burden of expense between king and ship-owner.<sup>126</sup> This problem was again considered by the council on October 30. The council did not believe that the trade in horses, coal, planks, and cattle with New England should be forbidden, though it preferred to divert it to Spanish America or to New France, but it felt that precautions should be taken to prevent the entry of other foreign goods. It could not bring itself to expel the naturalized aliens, like the Irish, who had gone to the colonies after accompanying James II to France, though it had no such scruples with regard to other foreigners.<sup>127</sup> It hoped that the outlawry of foreign debts would discourage foreigners with the colonial trade, but recommended secrecy in any action taken.<sup>128</sup> In November, 1727, the council took a definite step toward increasing colonial salaries by working out a plan, proposed by the deputies, for a one per cent tax on colonial goods and supplies in France. In its final analysis it was a proposi-

<sup>124</sup> This estimate is for a period just a little later.

<sup>125</sup> One anonymous writer advocated a prohibitive tariff as more effective than all the penalties hitherto imposed. But this the deputies strongly opposed, convinced that the only remedy lay in adequate salaries for officials, in recalling officials after three years and rewarding them strictly in accord with their services; and in severely punishing illicit trade as did England. Officials promised glibly to stop the traffic, deputies declared, but no sooner had they arrived at their posts than they defended the practice. There was a brig at Martinique which was never empty, while foreigners sued openly in the courts of that colony. F<sup>12</sup> 72: 526. The council agreed to advise a decree renewing the total prohibition of foreign trade under penalties heavy enough wholly to destroy it, the rule to be relaxed secretly for the necessities of life in case of famine. F<sup>12</sup> 73: 517 ff. This whole question roused tremendous interest on the part of everyone concerned. F<sup>12</sup> 73: 619.

<sup>126</sup> F<sup>12</sup> 73: 654 ff. gives the details.

<sup>127</sup> It was felt a wise precaution, however, to watch the Irish. F<sup>12</sup> 73: 648.

<sup>128</sup> F<sup>12</sup> 73: 648. But the complaints went steadily on. In May, 1727, the director of the *domaine d'occident* at Martinique reported that the supplies of the last French ship had been poorly sold, as the island had been stocked up by the English, and that no return cargo was procurable. F<sup>12</sup> 74: 402.

tion to raise the *domaine d'occident* to three and one-half per cent for three years, one per cent of which should be separately registered and turned over to an officer especially appointed to promote commerce and to exclude the foreigner.<sup>129</sup> The measure was found useful enough, if not in restraining the hated commerce, at least in francs and sous, to continue it by decision of December 21, 1730, for three additional years.<sup>130</sup>

No sooner was the rule fixed, however, than a serious earthquake at Guadeloupe in November, 1727, made it imperative to revoke it for wood and horses if that colony were not to be ruined.<sup>131</sup> Though Maurepas suggested that the shock was not a constant factor and sympathized with the suggestion that wood could come from Canada,<sup>132</sup> the council was moved to recommend that the Windward islands also be allowed for three years to trade with New England in horses, mules, cattle, and wood, on condition that these articles be exchanged for syrup and rum,<sup>133</sup> during which interval, however, means must be found for dispensing with this trade.<sup>134</sup>

<sup>129</sup> As the farmers-general were the greatest sufferers from the illicit trade, they agreed to relinquish one-half of one per cent of the three per cent due them. The idea was drawn from Marseilles, where the chamber of commerce had established a duty to augment the city's trade with the orient. F<sup>12</sup> 74: 674. The working details for the collection of the tax are found in F<sup>12</sup> 78: 708 ff. Fifteen hundred livres were to be distributed annually to the colonies in proportion to the sums collected.

<sup>130</sup> F<sup>12</sup> 77: 738. If exhortations could have supplied the colonies with beef and grain, there would have been no dearth. See F<sup>12</sup> 74: 715.

<sup>131</sup> A merchant from Guadeloupe attempted to show that horses from New England would cost two hundred and fifty livres in island rum and syrup — the latter otherwise a complete loss — while horses from Curaçao would cost five hundred livres in pure sugar. While the deputies were perfectly willing to allow syrup and rum to pass to New England, they were of a quite different opinion with regard to the entry of horses and wood into the West Indies, when these supplies could be drawn from Spanish America with greater advantage in their judgment. F<sup>12</sup> 76: 173 ff. If the trade with the Spanish colonies ceased, "Ainsi finit," they mournfully reported, "une navigation qui occupoit un grand nombre de Matelots, lesquels n'ayant plus de ressource pour subsister devinrent forbans." F<sup>12</sup> 76: 188.

<sup>132</sup> Concerning Canada as a source of supply, Robertson remarks: "Let them try to procure their lumber from those places, if they can." Robertson, *Supplement to the detection of the state and situation of the present sugar planters of Barbadoes and Leeward islands* (1733), 25.

<sup>133</sup> Syrup and rum were the only supplies which could find a market in New England. F<sup>12</sup> 76: 176.

<sup>134</sup> The signature of the president of the council was delayed until December 23. F<sup>12</sup> 76: 101.



Decrees issued at the instance of the council of commerce in Paris could solve this difficult economic problem no more easily than orders in council issued in London. Complaints concerning the working of the new rule were audible in January, 1729, while a few months later the intendants of Martinique and the Windward islands reported such a dearth of ships for interior commerce that they were forced to permit colonials to buy them from the English.<sup>135</sup> Thus despite conscientious efforts the council met only defeat in this serious problem.

The French council can be accused of no greater consistency in its conduct than the English board of trade. While it strained every nerve—albeit unsuccessfully—to exclude foreigners from the French colonies, it connived at, even encouraged, the efforts of its subjects to snatch morsels from the Spanish trade. A mere note of permission to a merchant to import certain foreign goods to serve as cargo for the Spanish-American trade is sufficiently illuminating.<sup>136</sup> It was through the French islands that Havana tobacco made its way into France.<sup>137</sup> In 1729 the intendant of Martinique forbade the collection of forty sous on sugars for the Spanish main, claiming exemption under article fifteen of the letters patent of 1717. Maurepas held that while the article did not mention such exemption, since no one had the right to clear for Spanish America, still, considering the advantage of this commerce, the sugars transported there merited a greater favor than those from France; and that in all prohibitions of foreign trade the Spanish-American trade had not merely been excepted, but recommended. The council denied that refined or muscovado sugar so transported should be relieved of this tax, but declared it must pay the usual three per cent *domaine d'occident*.<sup>138</sup>

<sup>135</sup> This furnished the occasion for a plea to ship vessels in frame and for a complaint against the French practice of selling a cargo at the Windward islands only to go to St. Domingo in order to get the return cargo of sugar cheaper. F<sup>12</sup> 77: 38.

<sup>136</sup> F<sup>12</sup> 54: 89.

<sup>137</sup> Various nations had been allowed to trade with Spanish America until 1717, when Spanish merchants won a prohibition against foreign trade in order to strengthen their own trade in Caracas. F<sup>12</sup> 76: 131.

<sup>138</sup> F<sup>12</sup> 75: 676. In the same year the destruction of the cocoa trees in the French islands raised a question concerning the distinction to be made between cocoa from the French and from the Spanish colonies. The council decided to regard all cocoa landed at the islands as of colonial growth, to be entered into France under the tariff of 1717. F<sup>12</sup> 76: 664.

In marked contrast with the English policy, intercolonial trade between the French colonies was encouraged.<sup>139</sup> The attitude of the council is revealed in a dispute between the directors of the *domaine d'occident* and some shipowners in the Windward islands over a decree of the intendant to collect a one per cent tax on all goods and foodstuffs passing from Martinique to Canada and Isle Royal, a three per cent *domaine d'occident* on foods of colonial growth, and forty sous on sugar.<sup>140</sup> The council decided that to promote a greater commerce between Canada, Isle Royal, and the Windward islands, native products from the last-named colony for Isle Royal should be free from this duty of one per cent for ten years, that all produce of those islands entering Canada, as well as Isle Royal, should be relieved of the *domaine d'occident* and of the duty of forty sous on sugar.<sup>141</sup>

Home manufactures, however, were in accordance with the spirit of the times supported at the expense of the colonies. For instance, in 1731 when La Rochelle complained of a scarcity of clay pots for her refineries, due to their exportation to America, the council promptly forbade their export.<sup>142</sup> Although bleaching of sugar was allowed to colonials, they had been forbidden in 1684 to establish refineries. Hence, when French citizens complained in 1732 of the existence of refineries in St. Domingo, steps to assure the home market to home refineries seem to have carried.<sup>143</sup> Protection to home manufactures also expressed itself by forbidding carriers and merchants to take to America cloth fabrics of Indian, Persian, or Chinese weave, or even foreign goods taken as prize, as they hampered the sale of French cloth.<sup>144</sup> And yet nowhere in these records is there evidence of a disposition to repress all colonial manufactures, while we know

<sup>139</sup> There seemed very early in the century to have been an unfavorable attitude toward intercolonial trade. F 12 54: 289.

<sup>140</sup> Under an old law of 1665. Merchants cited the fact that the king had never placed a customs bureau at Isle Royal as evidence that he meant to exempt goods at that port from all duty.

<sup>141</sup> The decree is dated December 31, 1726.

<sup>142</sup> F 12 79: 461.

<sup>143</sup> F 12 79: 524. The record is not perfectly clear on this point.

<sup>144</sup> Chiefly of Dauphiny. The carriers of the ocean ports seem to have been guilty of drawing silks from Holland and England. May 7, 1733. F 12 79: 1040.

that coarse fabrics of wool and linen were woven, from which were fashioned trousers and nuns' robes.<sup>145</sup>

While it is true that in case of conflict between colonial and home interest, the inhabitants of the homeland had first consideration, it is equally true that in comparison with other countries, the council protected and guarded the colonies to a surprising degree.<sup>146</sup> As has been seen, storage without duty was allowed for Irish salt beef during a large portion of the period. The fisheries were also favored: foreign fish was repeatedly refused entry, even when intended for the troops.<sup>147</sup> In 1704 a captain was not allowed to collect pay for escorting fishing smacks to the banks of the new world for fear that it might discourage French fishers. And when the council found the cod fisheries sadly injured by the cession of Newfoundland and Plaisance to the English, it turned to the encouragement of whale fishing.<sup>148</sup> And especially the council was always offering recommendations to foster the sugar industry.<sup>149</sup>

A pressing question from 1720 to 1727 was the protection of the colonies against inferior grain.<sup>150</sup> At the session of January 25, 1720, Amelot himself observed that frauds in the quality and

<sup>145</sup> Francis Parkman, *The old régime in Canada, France and England in North America* (Boston, 1902), 298; Andrews, "Anglo-French commercial rivalry, 1700-1750: the western phase," in *American historical review*, 20: 762.

<sup>146</sup> The phrase "to favor the commerce of the French islands of America" occurs repeatedly in the proceedings. The remark of the president at the session of February 18, 1723, affords a good index to the royal attitude: "The king has always paid attention to means which could contribute to the increase of commerce, whether in relation to manufactures or the fisheries, not only on the sea-coasts of France, but also in Canadian waters." Article 3, F<sup>12</sup> 71: 44. The numerous exceptions already noted should be recalled.

<sup>147</sup> Catalog, F<sup>12</sup> 92: 673; 93: 633.

<sup>148</sup> As a first step, whale oil was relieved of a duty of fifty sous. In 1716 all fish oils were relieved for ten years of the duties levied in 1710 and 1714. F<sup>12</sup> 58: 315. Growing directly out of this effort to encourage the fisheries at Port Royal came an attempt to favor the coal there by recommending for ten years free entry into France of coal which was loaded as ballast. And at the expiration of this exemption the tax was lowered. F<sup>12</sup> 75: 347.

<sup>149</sup> In 1703 a high duty was proposed on foreign sugars entering Bayonne or Marseilles in storage or transit for Savoy or other countries. F<sup>12</sup> 51: 197; see also F<sup>12</sup> 55: 322.

<sup>150</sup> Wine, brandy, and wheat constituted the bulk of the commerce to the islands. All other goods combined amounted to scarcely one-tenth of the freight. F<sup>12</sup> 78: 492.

weight of grain for the colonies were constantly being perpetrated.<sup>151</sup> The council readily drew up a decree to remedy these abuses.<sup>152</sup> The decree seems not to have reached the matter of weight, however, for the subject was again disturbing the councillors in 1725, together with accusations of false weight in beef and false measures in wine. The council tried to reach the whole problem by a fresh decree of August 2, providing for inspection and fines.<sup>153</sup> But yet the problem was far from solved. Merchants of La Rochelle and Rochefort asserted in 1727 that they would have to give up the grains of Marans, as they had been arriving at the colonies so spoiled that the troops and inhabitants did not dare to use them, and that they would have to seek them at a new point at greater expense. And so a law, designed to reach the difficulty once for all, fixed responsibility on the miller whose trademark the barrels bore for the quality of the flour until its arrival in America.<sup>154</sup> With this action the subject passes from the records so that it may be inferred it marks a distinct step forward.

It may justly be claimed, then, that the council of commerce was a potent factor in regulating and developing the French colonies. An important law to govern colonial trade was worked out through its agency; it served as a court in allowing exceptions and for the adjudication of cases of infringement of the laws; it became a court of appeals for the interpretation of the letters patent and of the decrees; it secured bounties and aids from the king to sustain the colonies through critical periods of their existence; it formulated, to a large extent, the foreign policy with regard to colonial trade with foreign powers; it determined the trade relations between the various French colonies; and it stimulated and fostered at all times an often wan-

<sup>151</sup> A bad custom had established the sale of grain by the barrel instead of by weight so that barrels rated at one hundred and eighty pounds contained only one hundred and fifty.

<sup>152</sup> Good grain, properly dried and without admixture, must be packed in barrels of good wood, bearing the miller's trademark and the weight; it must also be inspected after reaching the colonies. F<sup>12</sup> 67: 25 ff.

<sup>153</sup> Since even in 1744 there was no fixed gauge for barrels of brandy at Nantes, a decree ordered that one-half those for the colonies must hold fifty-eight pots. F<sup>12</sup> 67: 894.

<sup>154</sup> Article 21, F<sup>12</sup> 74: 126 ff. The right of inspection seems to have been struck out in 1737, but the bakers wished it replaced for sea biscuit a year later.

ing interest on the part of French merchants in this none too profitable trade. That it became an increasingly negligible factor after the first third of the century was probably due to the fact that an organ without initiative could not force upon a government preoccupied with wars and with the mere effort to retain its territorial possessions an active participation in commerce for which it had little time or genuine interest.

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